

## Reps Request Department of Homeland Security to Hold Energy Accountable

*Washington, DC* - Congressman Maurice Hinchey (NY-22), Congresswoman Nita Lowey (NY-18), Congressman John Hall (NY-19), and Congressman Eliot Engel (NY-17) today called on the Department of Homeland Security to force the Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission (NRC) to enforce laws regarding emergency preparedness at the Indian Point Energy Center. FEMA and NRC have continually failed to hold Entergy, the owner and manager of Indian Point, accountable for its failure to implement an emergency preparedness system adequate to protect the public.

A copy of the House members' letter to Richard L. Skinner, Inspector General of the U.S. Department of Homeland Security, follows:

Dear Mr. Skinner:

We write to you with great concern over the oversight exercised by the Federal Emergency Management Agency (FEMA) with regard to the Indian Point Energy Center, located in Buchanan, New York. We are particularly concerned about the relationship between FEMA and the Nuclear Regulatory Commission (NRC) for emergency preparedness and oversight at nuclear facilities.

Unfortunately, we have witnessed an environment in which nuclear licensees feel empowered to disregard the law and federal regulations issued by FEMA and the NRC.

Located in one of the most densely populated areas of the country, just 30 miles north of New York City, Indian Point has experienced numerous security mishaps and consistent mismanagement which have put the safety of the entire region at risk. Since the start of 2007, this facility has had a split fuel pin detected; an unusual event due to a transformer fire; multiple unplanned shutdowns; a third missed deadline for the operational certification of a new emergency notification siren system; discovery of a guard sleeping while on duty at the facility; and a citation for not properly keeping track of uranium 235 stored within the spent fuel pool. These missteps and violations are in addition to an ongoing leak of tritium and strontium into the groundwater surrounding the site.

Additionally, Indian Point is currently operating in violation of the federal Energy Policy Act of 2005, which required the plant to have backup power for an emergency siren system by January 2007. Unlike the current notification system, which relies on power from the plant in order to operate, the new requirements were meant to ensure the public is informed of any serious event at the plant even if power at the plant is affected.

Despite the clarity of the law, NRC allowed Entergy, which owns and manages Indian Point, to delay implementation until April 2007. When that deadline was missed, the NRC levied a nominal fine against Entergy and allowed the company to dictate the next deadline for operational compliance. Not surprisingly, Entergy missed its self-imposed August 24th, 2007, deadline to comply with the law. As of now, the new siren system has still not been certified for operations by FEMA and the millions of people living near the plant are left to rely on an outdated and ineffective emergency siren system. Additionally, FEMA has been unable to get the NRC to be more firm with the owners and operators of Indian Point, Entergy Nuclear.

Confidence in the oversight of preparedness and response plans at Indian Point was further diminished by an assessment performed by James Lee Witt Associates, headed by Former FEMA Administrator Witt, and commissioned by then-Governor Pataki, which showed the FEMA-certified response plans for the facility were not adequate to protect the public. The report showed the emergency preparedness plans weren't built on a strategy or system to protect the public from radiation exposure, but simply compliance with FEMA regulations. As a result, all four counties tasked with having emergency response plans for the plant have refused to certify the plans, yet FEMA and the NRC overruled the counties and issued a certification anyway. Westchester County, where the plant lies, also announced it is refusing to participate in future drills at Indian Point because it feels Entergy does not take them seriously and FEMA does nothing to require a greater level of professionalism during the drills.

We request your office investigate what has gone wrong in communications and enforcement

between FEMA and the NRC related to compliance with the Energy Policy Act of 2005's backup power mandate. Additionally, what additional steps could FEMA have taken to bring Entergy in line with these requirements? Lastly, what impact could FEMA have if given enforcement authority for the safety of nuclear power plants and the development of their preparedness plans?

We look forward to working with you on how best to address these concerns as you move forward with this request. Thank you in advance for your attention to this matter.

Sincerely,

Maurice Hinchey, Nita Lowey, Eliot Engel, John Hall